

MUWATTA' IMAM MALIK

Translated with Exhaustive Notes

By

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PREFACE

The *Muwaṭṭā'* of Imām Mālik, compiled during the early Abbasid period, is regarded by some scholars, including Shāh Walīyullāh, as the most authentic book on *Ḥadīth*. The juristic verdicts in *Muwaṭṭā'* reflect the practice of the Medinese and the consensus of the Medinese scholars.

After the demise of the Holy Prophet (may peace be upon him), many of his Companions settled in the conquered provinces. Some of their successors collected and codified *Ḥadīth*. For example, Ibn Jarīḥ in Mecca, Awzā'ī in Syria, Hammād in Baṣrah, Haitham in Wāsiṭ, Ma'mar in the Yemen, Ibn Mubārak in Khurāsān and Jarīr b. Ḥāmid in Rayy collected *Ḥadīth*. But none of these collections could compare with the *Muwaṭṭā'* of Imām Mālik, who passed his whole life in Medina and, therefore, had direct access to the most reliable authorities on *Ḥadīth*, because most of the leading Companions of the Holy Prophet (may peace be upon him) and their successors lived and died in Medina and narrated traditions from the Holy Prophet (may peace be upon him). The *Muwaṭṭā'* of Imām Mālik is based on the traditions narrated by them and the juristic verdicts given by them.

The word "*Muwaṭṭā'*" literally means the trodden or beaten path. In his book, *Musawwā*, Shāh Walīyullāh says that "trodden path" or "beaten path" means the path followed by eminent religious authorities. In other words, it means those verdicts which have been discussed by all religious scholars and about which there is complete agreement. According to Maulānā Sulaimān Nadvī, "*Muwaṭṭā'*" means that trodden or beaten path which has been trodden upon by all the Companions of the Holy Prophet (may peace be upon him), or, in other words, it means the agreed practice of the Companions of the Holy Prophet (may peace be upon him).

Before Imām Mālik finalised his book, the *Muwaṭṭā'* contained about ten thousand traditions of the Holy Prophet (may peace be upon him), but since Imām Mālik exercised great care in selecting *Hadith* (traditions), he omitted eight thousand traditions. In its final form, the *Muwaṭṭā'* contains only about two thousand *aḥādīth* (traditions). Since the *Muwaṭṭā'* deals only with such *aḥādīth* as have a bearing on juristic verdicts, it omits many chapters and headings found in the *Ṣaḥīḥs* of Imām Bukhārī, Imām Muslim, Tirmidhī, and others. *Muwaṭṭā'* has been narrated from Imām Mālik in thirty different ways. Of these, sixteen are famous. Four narrations, those by Yaḥyā Ibn Bukair, Abū Mus'ab and Ibn Wahb, are most authoritative, but Yaḥyā's narration surpasses them all in popularity and fame.

Imām Mālik's jurisprudence (*fiqh*) produced lasting effects on the entire Muslim world. His disciples spread in all the provinces of the Muslim Empire. It is true that Imām Abū Ḥanīfah's disciples were scattered in the Hijāz, Persia and Transoxania, but they did not reach Africa and Spain. Imām Awzā'i's *fiqh* (jurisprudence) won popularity in Spain, but it did not benefit the people of Iraq and Persia. On the other hand, Imām Mālik's disciples carried his juristic learning to all corners of the Muslim world.

The *Muwaṭṭā'* of Imām Mālik was compiled during the reign of Manṣūr, the second Abbasid Caliph. After he was installed as Caliph in 136 A.H., Manṣūr made his first Pilgrimage to Mecca. He visited Medina where he was received by leading scholars and men of eminence. Sufyān Thawrī, Sulaimān Khwāṣṣ and Imām Mālik also came to greet him. When Manṣūr saw Imām Mālik, he addressed him saying: "I have become disgusted with the differences of the jurists on Islamic law in different regions of the Empire. There is nothing of juristic learning in Iraq. The Syrians are known for their ardent love for *jihād*. There is little learning among them. All juristic knowledge and scholarship is centred in Hijāz and you are the leader of the scholars of Hijāz. I wish that your book, *Muwaṭṭā'*, may be kept in a prominent place in the Ka'bah, so that all the people should refer to

it on juristic questions. I also wish that copies of the *Muwaṭṭā'* may be circulated in all parts of the Empire so that all juristic verdicts may conform to it." But Imām Mālik expressed his disagreement with the opinion of Maṣṣūr. He said: "The Companions of the Holy Prophet (may peace be upon him) settled in all provinces of the Empire. Their juristic opinions and verdicts command respect and reverence of jurists in different regions of the Empire and the people of these regions follow their juristic opinions. Under these conditions, the people should not be forced to follow the opinions of a single jurist who is not infallible, after all, and may commit errors."

Another incident of the same kind shows the sturdy independence of mind of Imām Mālik and his refusal to submit to the wishes of the governmental authority. Although Maṣṣūr was very kind to the Imām, the latter never recognised the legitimacy of his government. Once he issued a *fatwā* that the caliphate belongs rightfully to Nafs Zakīyyā, a descendant of the Holy Prophet (may peace be upon him). The people objected saying that they had sworn fealty to Maṣṣūr. Imām Mālik said: "Maṣṣūr has coerced you into doing this and the *Sharī'ah* does not regard as valid any act done under coercion. There is a *ḥadīth* (tradition of the Holy Prophet) that if a man is forced to divorce his wife, the divorce would be invalid." On hearing this, Ja'far, the Governor of Medina, asked the people to renew their oath of fealty to Maṣṣūr and ordered Imām Mālik not to issue any *fatwā* declaring that a divorce obtained by force or under coercion is invalid as this would strengthen the case of those who regarded as invalid the oath of fealty obtained by Maṣṣūr under coercion. But Imām Mālik refused to be browbeaten and continued to give his verdict against divorce under coercion. For this act of disobedience to the governmental authority, Imām Mālik was flogged in public until he bled white, but still he refused to bow to the wishes of the rulers.

INTRODUCTION

It is my profound honour to introduce this posthumous English version of Imām Mālik's *Muwatṭā'* by late Professor Muhammad Rahimuddin who, to the best of my fortune, was my reverend father and teacher. As Maulana Mazheruddin Siddiqi has written the Preface and discussed *Muwatṭā'*, I will confine myself only to introducing the reverend and learned translator.

Professor Muhammad Rahimuddin started his career as an Assistant Professor of English of Nizam College wherefrom he was transferred to Osmania University and offered the seat of professorship. Many renowned scholars of international fame had the honour of being his pupils. Suffice to name here Dr Raziuddin Siddiqi and Dr Muhammad Hamidullah.

While in teens, during his college life, he wrote English verses and translated verses of Hāfiz which were published in 1905 and 1919, respectively.

When Professor Muhammad Rahimuddin was in the middle of his life his talents changed trend and turned to Islamic literature. His first contribution was *Qur'ānī Kirnain* ("Qur'ānic Beams"), translation of "Pārah-i-'Amm" with *Tafsīr* on modern scientific lines to quench the thirst of particularly the young educated generation, which desires and demands logical explanation instead of irrationally conventional elucidations of Qur'ānic verses. In this context it would be of interest to quote a few lines from the Foreword to *Qur'ānī Kirnain* by late Maulana Manazir al-Hasan Gilani:

"Professor Rahimuddin is my colleague. I only know him as a versatile and adept professor of English having full command over English literature and modern trends but very lately it revealed upon me that he is an equally eminent scholar of Islamic literature and has a great insight into the universality of the Holy Qur'ān. He is a Muslim to the core and a votary *Mu'min* and has a unique way of approach-

ing to the mysteries of the Holy Qur'ān."

After this publication a number of books on Islam and *Ḥadīth* were transformed into English by Professor Muhammad Rahimuddin. The English version of "*Ṣahīfah-i-Hammām b. Munabbih* (by Dr. Hamidullah) was very much acclaimed. English translation of *al-Dīn al-Qayyim* is another outstanding specimen of his translations.

With the collaboration of Dr. Hamidullah, *Introduction to Islam* was published which contains invaluable articles by Professor Muhammad Rahimuddin.

During his last days he translated "Pārah-i-'Amm" and wrote its "*Tafsīr*"—on quite modern lines—on the insistence of Maulana Manazir al-Hasan Gilani, which is still in manuscript.

This translation of *Muwattā'* is his last contribution. He had revised but a little portion of it when he was summoned by Almighty Allah, may Allah rest him in peace!

I am indeed indebted to Mr. M. Ashraf Darr, Honorary Secretary and Publication Adviser, Institute of Islamic Culture, Lahore, who so very kindly took great pains in revising the manuscript and adding occasional footnotes to it and giving it the present form.

For the arduous task of printing and publication of this translation I acknowledge my debt to Sh. Muhammad Ashraf. His participation in the presentation of *Muwattā'* will loom large in the hearts of those readers who have but a real taste for and genuine interest in Islamic literature, specially the branch pertaining to *Ḥadīth*. It has been recognised by learned Muslims and scholars that *Muwattā'* in authenticity and importance enjoys the second position to the Holy Qur'ān; as such, the presentation of this translation is a valuable contribution, the credit of which goes to my respected friend, Sh. Muhammad Ashraf no doubt.

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Muhammad Habibuddin Fazli

CONTENTS

Preface, *Mr. Mazheruddin Siddiqi*, iii

Introduction, *M. Habibuddin Fazli*, vi

1. KITĀB AL-ṢALĀT, pp. 1-104

Chapters

1. Times of Prayer, 1
2. The Time of Friday Prayer, 4
3. The Man Who Obtained One *Rak'ah*, 4
4. Setting of the Sun and the Fall of Night, 5
5. Times of Prayer, 5
6. Sleeping at Prayer Time, 6
7. Prohibition of Prayer at Noon Time, 7
8. Restriction on Entering the Mosque After Eating Garlic; Restriction Against Covering of Face During Prayer, 7
9. The Manner of Ablution, 8
10. Ablution of One Who Wakes up for Prayer After Sleep, 9
11. The Water for Ablution, 9
12. Things That Do Not Make Ablution Necessary, 11
13. Eating of Cooked Food Does Not Necessitate Ablution, 11
14. Miscellaneous Rules About Cleanliness, 13
15. The Wiping of Head and Ears, 15
16. The Wiping Over Shoes, 16
17. The Method of Wiping Over the Shoes, 17
18. Bleeding from the Nose, 17
19. Regarding Cases Where Blood Continues to Flow Either from Nose or from Wound, 18
20. Whether Ablution Breaks After the Flow of Prostatic Fluid from the (Male) Sexual Organ, 18

Chapters

21. Exemption from Ablution After the Flow of the Prostatic Fluid, 19
22. Ablution Compulsory on Touching the Sexual Organs, 19
23. Ablution on Kissing One's Wife, 20
24. Procedure in Respect of Bath After Intercourse, 21
25. Bath Becomes Obligatory with Penetration Even if There is no Emission, 21
26. Eating and Sleeping After Intercourse Prior to Taking Bath, 22
27. Prayer and the Bath After Intercourse, 23
28. Bath is Necessary for a Woman Having Nocturnal Emission Like a Man, 24
29. Miscellaneous Problems of Bath After Impurity, 25
30. *Tayammum*, 25
31. The Mode of *Tayammum*, 26
32. *Tayammum* After Intercourse, 26
33. When A Woman is Having Menstrual Discharge, 27
34. When Does a Menstruating Woman Become Pure, 27
35. Miscellaneous Matters Relating to Menstruation, 28
36. A Woman Secreting Blood Even After the Period of Menstruation, 28
37. The Urine of a Child, 30
38. Concerning the Act of Urination While Standing, 30
39. Brushing the Teeth, 30
40. *Adhān* or the Call to Prayer, 31
41. *Adhān* During Travel and Without Ablution, 33
42. *Adhān* at Morning During Ramadān, 33
43. The Beginning of the Prayer, 34
44. Recitation (*Qir'at*) in Maghrib and 'Ishā' Prayers, 35
45. Mode of Reading the Holy Qur'ān, 36
46. Recitation in the Morning Prayer, 36
47. The Supreme Virtue of Sūrah Fātiḥah, 37
48. The Recitation of Sūrah Fātiḥah, 38

I. KITĀB AL-ṢALĀT

Chapter 1

TIMES OF PRAYER

(1) Muḥammad b. Muslim b. Shihāb Zuhri reported : (Caliph) ‘Umar b. ‘Abd al-‘Azīz once arrived late for the (‘aṣr) prayer. ‘Urwah b. Zubair then went and spoke to him of (the incident of) Mughīrah b. Shu‘bah who had once been late for the (‘aṣr) prayer, at the time when he was Governor of Kūfah. On that occasion, Abū Mas‘ūd al-Anṣārī went to the Governor and said : Why this delay, O Mughīrah ? Do you not know that Gabriel came down (from Heaven) and said (zuhr) prayer and the Apostle of Allah (may peace be upon him) offered his prayer with him and when he (Gabriel) said his (‘aṣr) prayer, the Apostle of Allah (may peace be upon him) offered his prayer with him, when he (Gabriel) said his (maghrib) prayer, the Apostle of Allah (may peace be upon him) also offered his prayer with him, and when he (Gabriel) said his (‘ishā’) prayer, the Apostle of Allah (may peace be upon him) also offered his prayer with him and when he (Gabriel) said his (fajr) prayer, the Apostle of Allah (may peace be upon him) also offered his prayer with him ; and then he (Gabriel) said : Such is what you have been ordered ? ‘Umar b. ‘Abd al-‘Azīz asked ‘Urwah whether he had fixed the times of prayer for the Apostle of Allah (may peace be upon him). ‘Urwah replied : Such was the report of Bushair b. Abū Mas‘ūd obtained from his father. ‘Ā’ishah, wife of the Apostle of Allah (may peace be upon him), had reported to me : The Apostle of Allah (may peace be upon him) would say his (‘aṣr) prayer when the sun’s rays were within the room, prior to ascending on the walls.¹

(2) ‘Atā’ b. Yasār reported : A man came to the Apostle of Allah (may peace be upon him) and enquired of him the time of the

1. It was the habit of the Prophet (may peace be upon him) to say the aṣr prayer at an early hour, i.e. before the sun went down very low, the time designated by Gabriel.

morning prayer. The Apostle of Allah (may peace be upon him) remained silent. Next morning the Apostle of Allah (may peace be upon him) said his prayer immediately at early dawn, when it was still dark. The morning after that, the Apostle of Allah (may peace be upon him) said his prayer in the light of daybreak and asked : Where is he who enquired the time of prayer ? The man cried out : I am here, Apostle of Allah. The Apostle of Allah (may peace be upon him) said : The time (of fajr) extends between these two.²

(3) 'Ā'ishah reported : As the Apostle of Allah (may peace be upon him) said his morning prayer, the ladies, after offering their prayers, returned wrapped up in their garments and could not be recognised in darkness.³

(4) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : He who performed even one *rak'ah* of the morning prayer, before the rising of the sun, got the whole of it, and he who performed even one *rak'ah* of 'aṣr prayer before sunset got the whole of it.⁴

(5) Nāfi', the freed slave of 'Abd Allah b. 'Umar, reported : 'Umar b. al-Khaṭṭāb sent instructions to all his administrators that prayer was the most necessary and important of all their functions. He wrote : He who learnt the rules and regulations (of prayer), and said (it) at its proper time, presented and safeguarded his religion, and he who neglected (his prayer) lost everything else. He wrote further : Say the zuhr prayer when the sun declines and between the time a man's shadow is of an arm's length till the time it should extend to the full length of his height ; and say the 'aṣr prayer until the sun is still high and bright and clear, such that after the 'aṣr prayer a man could cover, before sunset, a distance of two or three farsakhs on the back of a camel ; say the maghrib prayer when the sun has set ; and say the 'ishā' prayer between the time when the twilight has departed until a third part of the night. Should a man go to bed (before 'ishā'), may God bring it about that his eye does not close, his eye does not

2. On one morning the Prophet (may peace be upon him) said his prayer at the very hours, and the following morning at the near end, so as to give a practical demonstration of the extent of time which covers the fajr prayer.

3. This tells that it is preferable to say the fajr prayer when it is still dark.

4. That the fajr and aṣr prayers would be considered to have been duly performed in time.

close, his eye does not close, in sleep. Say the morning prayer when the stars stand clear and are still thick.

(6) Mālik b. Abī 'Āmir al-Aṣḥabī reported : 'Umar b. al-Khaṭṭāb wrote to Abū Mūsā al-Ash'arī : Say the zuhr prayer when the sun declines ; say the 'aṣr prayer when the sun is bright and clear and before it is yellowish ; say the maghrib prayer when the sun sets ; delay the 'ishā' prayer until you could keep awake ; and say the morning prayer when the stars are clear and thick, and recite in it two long *sūrahs* from out of the *Mufaṣṣal*.⁵

(7) 'Urwah b. Zubair reported : 'Umar b. al-Khaṭṭāb wrote to Abū Mūsā al-Ash'arī : Say the 'aṣr prayer when the sun is bright and clear and so much of the day still remains that a camel-rider could cover after the 'aṣr prayer a distance of three farsakhs ; say the 'ishā' prayer until a third part of the night and at the most until half the night and do not be of the heedless.⁶

(8) 'Abd Allah b. Rāfi', the freed slave of Umm Salamah, the wife of Allah's Apostle (may peace be upon him), reported : He enquired of Abū Hurairah the times of prayer. Abū Hurairah replied : I can tell you the times. Say the zuhr prayer until your shadow lengthens to your size and say the 'aṣr prayer until your shadow becomes double your size and say the maghrib prayer when the sun sets, and say the 'ishā' prayer this side of one-third part of the night, and the morning prayer when darkness still pervades.

(9) Anas b. Mālik reported : We used to say our 'aṣr prayer (with the Holy Prophet in Medina) and when one of us proceeded to the locality of Banī 'Amr b. 'Auf he found them still saying their 'aṣr prayer.⁷

(10) Anas b. Mālik stated : We used to say our 'aṣr prayer (with the Holy Prophet), and if any one of us went to Qubā' and roamed about there seeing people, the sun would still be high.⁸

5. *Mufaṣṣal sūrahs* from the seventh section of the Holy Qur'ān are from Sūrah Hujurat to the end (Zarqānī).

6. He who keeps up the five prayers will not be included amongst the heedless.

7. The locality of Banī 'Amr b. 'Auf was at a distance of two miles from Medina (Zarqānī), or three miles from the Prophet's mosque. These people were peasants and cultivators and would say their 'aṣr prayer after finishing their usual chores. The Holy Prophet (may peace be upon him) used to say his prayer early.

8. Qubā' was three miles distant from Medina (Zarqānī and *Muḥalla*).